

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JIA WEN ASHLEY WEI, ANDREW FUNG,
JEFFERSON LAI, HAN YE, NORNA TSENG,
YU DENG, YING CHEN, MAX ZHONG
AUSTIN ZHONG and ERIC CHENG,

HON. VINCENT L. BRICCETTI

ANSWER

Plaintiffs,

Case No.: 15-CV-8245(VB)

-against-

GARY SPEARS, sued in his Official Capacity,

Defendant.

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Defendant, GARY SPEARS, sued in his Official Capacity, by his attorneys, DRAKE
LOEB, PLLC, answering the Complaint herein, allege as follows:

1. Denies any knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in the paragraphs of the Complaint numbered "1," "4," "5," "6," "7," "8," "12," "14," "15," "16," "20," "21," "22," "23," "24," "25," "27," "28," "29," and "30."
2. Denies any knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in the paragraph of the Complaint numbered "2," but admits that the defendant, GARY SPEARS resides in the Town of Deerpark, New York within this judicial district and that defendant SPEARS is Town Supervisor of the Town of Deerpark, New York.
3. Denies each and every allegation contained in the paragraph of the Complaint numbered "3," but admits that this Honorable Court has jurisdiction over this matter.

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4. Denies any knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in the paragraph of the Complaint numbered "9," but admits that the defendant SPEARS had been a member of the Town of Deerpark Planning Board.

5. Denies each and every allegation contained in the paragraphs of the Complaint numbered "10," "11," "13," "17," "18," "19," "26," "31," "33" and "34."

6. Repeats and realleges all responses to the allegations in the Complaint as the same are repeated and realleged in the paragraph of the Complaint numbered "32."

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

7. The allegations set forth within the complaint fail to state a cause of action.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

8. Defendant's alleged statements were privileged and non-actionable.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

9. Plaintiffs' suit is barred by the doctrine of qualified immunity.

WHEREFORE, defendant, GARY SPEARS, demands judgment dismissing the complaint with an award of costs and disbursements incurred in this action.

Dated: New Windsor, New York
November 25, 2015

Yours, etc.,

DRAKE LOEB, PLLC

BY:


STEPHEN J. GABA, ESQ. (SG-3160)

Attorneys for Defendant

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